

DRAFT

**Update on Significant Water Issues in Oregon
for ACWA Meeting, July 2014**

Non-Responsive

OR CZARA:

On December 20, 2013, NOAA and EPA announced in the Federal Register the federal agencies' proposed determination that Oregon failed to submit an approvable Coastal Nonpoint Program because of deficiencies in its forest management practices, including practices for landslide prone areas and forest roads; on-site disposal practices; and new construction practices. Under the terms of a settlement agreement with NWEA, EPA and NOAA were obliged to make a final determination by May 20, 2014. Due to the large number of public comments received and the effects of the furlough and government shutdown, EPA and NOAA determined that the earliest they could take their final action is January 30, 2015.

Status: EPA and NOAA have come to agreement with NWEA on the new schedule. EPA and NOAA have also sent a letter to Oregon DEQ and the Oregon Department of Land Conservation and Development informing both agencies of the new schedule and that our final determination will be based on the materials provided during the recent public comment period. If EPA and NOAA find that Oregon has failed to submit an approvable program, the agencies will begin withholding grant funds for fiscal year 2015.

After checking with EPA General Counsel, EPA also clarified with the State that it has the discretion to withhold funds based on a fixed formula rather than a compounded formula as previously thought. This would mean that the withholding of grants funds, should that be necessary, would have a lesser impact on the state over time than was previously thought.

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